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REMARKS

Claims 1-19 were pending and rejected. Claims 12-17 were amended solely to correct grammar inconsistencies. The amendments were not made for patentability reasons. No claims were cancelled. Reconsideration of the rejections of all claims is requested.

I. Rejection of Claims 1-5, 8-14, and 17-19 Under 35 U.S.C. §102(b)

Claims 1-5, 8-14, and 17-19 were rejected under 35 U.S.C. §102(b) as being unpatentable by *Waclawsky* (U.S. 5,974,457).

CLAIM 1

Claim 1 is independent and is restated as follows for convenience:

A method for monitoring the status of an electronic network, said method comprising:

executing a first program on at least one portion of said electronic network;

receiving first data resulting from the execution of said first program;

analyzing said first data to determine if said at least one portion of said network is not operating within a preselected specification;

executing a second program on said at least one portion of said electronic network if the analysis of said first data indicates that said at least one portion of said electronic network is not operating within said preselected specification;

receiving second data resulting from the execution of said second program; and

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analyzing said first data and second data to determine the cause of said at least one portion of said network not operating within said preselected specification.

Some portions of claim 1 that are not disclosed by Waclawsky have been printed in bold type above.

The applicant respectfully notes that claim 1 includes an element of "executing a second program." This second program is executed if the analysis of the first data indicates that at least one portion of the electronic network is not operating within a preselected specification. The office action is not specific as to where this element of claim 1 is disclosed in Waclawsky. The applicant notes that the rejection of claim 1 is laid out in a very easy to follow format, however, the element regarding executing a second program is not discussed. Regardless of whether this element of claim 1 is discussed in the office action, the applicant respectfully contends that is not disclosed by Waclawsky.

The office action states that receiving second data is disclosed at column 7, lines 20-23 of Waclawsky. This section of Waclawsky only discloses monitoring the network over different times. Thus, a single program or the like is used to monitor the network. Even though the time interval of the monitoring may change, the single program is executed on the network.

Based on the foregoing, Waclawsky discloses executing a single program on the network. Accordingly, Waclawsky cannot disclose the "executing a second program on said at least one portion of said electronic network" element of claim 1. Thus, Waclawsky cannot anticipate claim 1.

The applicant notes that the "executing a second program" element of claim 1 includes the element of "if the analysis of said first data indicates that said at least one portion of said electronic network is not operating within said preselected specification." There is no mention of this element in the rejection of claim 1. As set forth above, Waclawsky does not disclose executing a second program and, thus, cannot disclose executing a second program "if the analysis of said first data

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indicates that said at least one portion of said electronic network is not operating within said preselected specification." Again, Waclawsky does not disclose all the elements of claim 1 and cannot anticipate claim 1.

Based on the foregoing, Waclawsky does not disclose all the elements of claim 1 and cannot anticipate claim 1. Therefore, the applicants request reconsideration of the rejection.

CLAIMS 2-5, 8, AND 9

Claims 2-5, 8, and 9 are dependent on claim 1 and are deemed allowable by way of their dependence and for other reasons. Therefore, the applicants request reconsideration of the rejections.

CLAIM 10

Claim 10 is independent and is printed as follows for convenience:

A device for evaluating the operational status of an electronic network, said device comprising a computer operatively connected to said network, said computer comprising a computer-readable medium having instructions for operating said computer and evaluating said network by:
executing a first program on at least one portion of said electronic network;

receiving first data resulting from the execution of said first program;

executing a second program on said at least one portion of said electronic network if the analysis of said first data indicates that said at least one portion of said electronic network is not operating within said preselected specification;

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receiving second data resulting from the execution of said second program; and

analyzing said first data and second data to determine the cause of said at least one portion of said network not operating within said preselected specification.

Some portions of claim 10 that are not disclosed by Waclawsky have been printed above in bold text.

Claim 10 was rejected for the same reasons as claim 1. Therefore, the applicants incorporate the rebuttals to the rejection of claim 1 into this rebuttal. As set forth above, Waclawsky does not disclose the element of "executing a second program" as claimed in claim 10. Therefore, Waclawsky cannot disclose all the elements of claim 10 and cannot anticipate claim 10.

Based on the forgoing, the rejection of claim 10 has been overcome. The applicants request reconsideration of the rejection.

CLAIMS 11-14, 17, AND 18

Claims 11-14, 17, and 18 dependent on claim 10 and are deemed allowable by way of their dependence and for other reasons. Therefore, the applicants request reconsideration of the rejections.

CLAIM 19

Claim 19 is independent and is printed as follows for convenience:

A device for monitoring the status of an electronic network, said device comprising:

first diagnostic means for executing a first diagnostic program on at least one portion of said electronic network, said first diagnostic

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program generating first data representative of the status of said at least one portion of said electronic network;

first analysis means for analyzing said first data;

second diagnostic means for executing a second diagnostic program on at least one portion of said electronic network if said first analysis means determines that said at least one portion of said electronic network is not operating within a preselected specification, said second diagnostic program generating second data representative of the status of said at least one portion of said network; and

second analysis means for analyzing said first data and said second data, said second analysis means generating an indication representative of the cause of said at least one portion of said electronic network not operating within said preselected specification.

Some portions of claim 19 that are not disclosed by Waclawsky have been printed above in bold type. The office action does not describe how Waclawsky discloses a "second diagnostic means" as claimed in claim 19. As set forth above, Waclawsky does not disclose a second program. Likewise, Waclawsky does not disclose a "second diagnostic means" as claimed in claim 19. Therefore, Waclawsky cannot anticipate claim 19.

Based on the forgoing, the rejection of claim 10 has been overcome. The applicants request reconsideration of the rejection.

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II. Rejection of Claims 6, 7, 15, and 16 Under 35 U.S.C. §103(a)

Claims 6, 7, 15, and 16 were rejected under 35 U.S.C. §103(a) as being unpatentable over Wacławsky in view of Mayton (U.S. 6,763,380).

Claims 6, 7, 15, and 16 are dependent on allowable base claims and are deemed allowable by way of their dependence and for other reasons. Therefore, the applicants request reconsideration of the rejections.


In view of the foregoing, the claims are in condition for allowance and a notice of allowance is requested.

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Respectfully submitted,

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